

Appl. No. 10/712,629
Atty. Docket No. 9423
Amdt. dated April 24, 2006
Reply to Office Action of January 27, 2006
Customer No. 27752

AMENDMENT TO THE SEQUENCE LISTING

Please delete the previously submitted Sequence Listing and enter the attached Sequence Listing that begins on pg. 12 of this paper (PatentIn version 3.3).

REMARKS

Claims 1-8 remain pending. Claims 3-8 are withdrawn as to a non-elected invention. Applicant reserves the right to pursue the original claims in this and other applications. The Title of the Invention has been amended to correspond more closely to the pending claims. Applicant respectfully requests reconsideration of the above-referenced application in light of the amendments and following remarks.

At the outset, the Specification has been amended to correct minor typographical inconsistencies in the identification of the respective amino acid and nucleic acid sequences. Specifically, the hair protein has been renumbered as SEQ ID NO: 18 and the appropriate amino acid sequence has been added to the sequence listing. It is respectfully submitted that since the revised sequence listings provided are adequately described in the original specification, the revision of the minor typographical errors in SEQ ID NO: 18 does not represent or constitute the addition of new matter. As a result, the Examiner's approval is respectfully solicited.

The specification stands objected to under 35 U.S.C. § 132(a) for introducing new matter. The objection is respectfully traversed.

Attached hereto is a corrected sequence listing of SEQ ID NO: 18 and SEQ ID NO: 17. The previously submitted SEQ ID NO: 18 and SEQ ID NO: 17 contained minor typographical errors. For example, SEQ ID NO: 18 incorrectly listed nucleic acid sequences rather than amino acid sequences. One skilled in the art would understand that this was a typographical error, and the correction of which does not constitute new matter.

As such, the specification has been amended to define a "truncated hairless protein (HRt) . . . as SEQ ID NO 18, which is amino acid residues 490-1182 of the C-terminal portion of mouse HR protein." (Applicant's specification, p. 5, ll. 19-20). In addition, SEQ ID NO 17 is the nucleotide sequence of HRt corresponding to the amino acid residue 490-1182 of the C-terminal portion of HR protein.

The Office Action further asserts that there are three mismatches between the protein of instant SEQ ID NO: 18. Again, Applicant respectfully submits that these are minor typographical errors in the Sequence Listing, the correction of which does not add new matter. This fact is underscored by the Office Action's acknowledgment that "[t]he specification provides support for the amino acid sequence of mouse hairless protein encoded by GenBank Accession No. Z32675," (Office Action, p. 3) which is identified in Applicant's specification, p. 7, ll. 7-35. The SEQ ID NO: 18 is 99.4% identical to I48378, which is 100% identical to GenBank Accession No. CAA83587 and Z32675), with only three typographical mismatches.

Claims 1 and 2 stand objected to because they read on non-elected embodiments. The objection is respectfully traversed.

At the outset, Applicant respectfully requests clarification of this objection. Applicant believes the objection is in error in light of the following facts. A restriction requirement was issued in the Office Action dated October 19, 2004. The Examiner indicated that there were 3 distinct inventions: Group I (claims 1 and 2), Group II (claims 3 and 4), and Group III (claims 5-8). Applicant elected Group I (claims 1 and 2) in the Response to Restriction Requirement filed on November 16, 2004. Upon election of Group I, the Examiner required a

second restriction that a single nucleic acid sequence set forth in claim 2 and corresponding protein in claim 1 be elected. As a result, Applicant properly elected SEQ ID NO: 2 of claim 2 and the corresponding protein "Homo Sapiens Ubiquitous Receptor" of claim 1 in the November 16, 2004 Response. Consequently, claims 1 and 2 *do* read on an elected embodiment set forth in the Response filed on November 16, 2004.

Claims 1 and 2 stand rejected under 35 U.S.C. § 112, second paragraph, for being indefinite. The rejection is respectfully traversed.

The Office Action asserts that claims 1 and 2 are vague and indefinite regarding the metes and bounds of the term "mouse HRt protein." As indicated above, the specification has been amended to obviate the Examiner's concerns. Specifically, the specification has been amended to indicate that the truncated hairless protein is provided as SEQ ID NO: 18. As a result, the rejection should be withdrawn.

Claims 1 and 2 stand rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. The rejection is respectfully traversed. As indicated above, SEQ ID NO: 18 contained minor typographical errors. Attached hereto is a revised SEQ ID NO: 18 correcting these errors. One skilled in the art would understand that these were minor typographical errors, and the correction of which does not constitute new matter.

This fact is underscored by the Office Action's acknowledgment that "[t]he specification provides support for the amino acid sequence of mouse hairless protein encoded by GenBank Accession No. Z32675," (Office Action, p. 3) which is identified in Applicant's specification, p. 7, ll. 7-35. The SEQ ID NO:


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18 is 99.4% identical to I48378, which is 100% identical to GenBank Accession No. CAA83587 and Z32675), with only three typographical mismatches. As a result, the rejection should be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to review and pass this application to issue.

Respectfully submitted,

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By 
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Date: April __, 2006
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